

REMARKS

An excess claim fee payment letter is submitted herewith for six (6) excess total claims and one (1) excess independent claim.

As a preliminary matter, Applicant's representative would like to thank Examiner Selby and Examiner Ho for courtesies extended in the personal interview conducted on August 4, 2004.

An informal copy of the Examiners' Interview Summary Record (PTOL-413) was provided by the Examiners at the interview.

Applicant submits herein a Statement of Substance of Interview to comply with the requirements of M.P.E.P. § 713.04.

Claims 1-44 are all the claims presently pending in the application.

Claim 22 is amended merely to obviate the Examiner's objection to claim 22. New claims 39-44 have been added to define more clearly the features of the present invention.

It is noted that the claim amendments are made only for more particularly pointing out the invention, and not for distinguishing the invention over the prior art, narrowing the claims or for any statutory requirements of patentability. Further, Applicant specifically states that no amendment to any claim herein should be construed as a disclaimer of any interest in or right to an equivalent of any element or feature of the amended claim.

Claims 1-38 stand rejected on prior art grounds. Particularly, claims 1-5, 8-13, 16, 23-26, and 31-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen, et al. (U.S. Patent No. 5,737,491) in view of Robinson, et al. (U.S. Patent No. 6,452,663). Claims 6, 14, 17-19, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Yamaguchi, et al. (U.S. Patent No. 6,493,828). Claims 7, 15, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Yamaguchi, and further in view of

Tsukahara (U.S. Patent No. 6,026,407). Claims 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Yamaguchi as applied to claim 14, and further in view of Robinson. Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Arai (U.S. Patent No. 5,576,758).

These rejections are respectfully traversed in the following discussion.

I. STATEMENT OF THE SUBSTANCE OF THE INTERVIEW

In the personal interview conducted on August 4, 2004, the following was discussed:

A. Identification of claims discussed:

Claims 1, 9, and 32.

B. Identification of prior art discussed:

The primary reference: Allen, et al. (U.S. Patent No. 5,737,491).

C. Identification of principal proposed amendments:

The Examiners agreed that adding the claim limitation of automatically printing without receiving a printing command instruction to independent claims 1, 9, and 32 would overcome the Allen reference as relied upon in the present claim rejections.

D. Brief Identification of principal arguments:

Applicant's representative discussed the claimed invention and the primary reference, Allen et al., as set forth below.

E. Results of Interview:

As mentioned above, the Examiners agreed that adding the claim limitation of automatically printing without receiving a printing command instruction to independent claims 1, 9, and 32 would overcome the Allen reference as relied upon in the present claim rejections.

However, for at least the reasons set forth below, Applicant respectfully submits that none of the cited references, alone or in combination, discloses or suggests all of the features of the claimed combination (i.e., without amendment).

II. APPLICANT'S INVENTION

The claimed invention relates to a photo service system and a camera for use in such a system.

In an illustrative, non-limiting embodiment of the present invention, as defined by independent claim 1, a photo service system structured in an area includes a digital camera which transmits image data of images captured by the digital camera and identification information for identifying with the digital camera, a base station which receives the image data and the identification information transmitted from the digital camera, and a photo service center which prints the images according to the image data received by the base station and sorts the prints of the images according to the identification information received with the image data.

Other exemplary embodiments of the invention, as defined, for example, by independent claims 9 and 32, recite somewhat similar features as independent claim 1.

According to the claimed invention, images can be easily and efficiently printed and sorted merely by transmitting the image data from the camera after each image is captured. That is, the user simply captures an image, reviews the image on a display on the camera, and if a print of the image is desired, merely transmits the image.

Thus, the process of ordering prints is greatly simplified since the transmission of the image data directly results in an image being printed according to the image data received by the

base station and sorted according to the identification information of the camera that was used to capture the images (e.g., see specification at page 2, lines 3-18).

Moreover, since the prints of the images are printed upon receipt of the image data and sorted according to the identification information for identifying with the digital camera that was used to capture the images, the printed images can be available for pick up by the user shortly after the image is captured (e.g., when the user returns the camera to the base station).

Also, since the system is capable of identifying the area from which the image data was transmitted, the claimed photo system is capable of identifying on each of the prints the respective area where the image was captured by the camera (e.g., see specification at page 2, lines 18-21).

Moreover, in an exemplary embodiment of the photo system, each image captured by the camera replaces the previous image. Thus, the camera in the present invention does not require a storage medium, various shooting modes, or various operating switches. Instead, the digital camera of the photo system only needs to capture an individual image, display the image, and transmit the image. As such, the camera in the claimed system is easy to operate, small in size, lightweight, and less costly to produce (e.g., see specification at page 2, lines 21-27).

Thus, the photo system of the claimed invention has clear advantages over conventional systems and is particularly suited for use in theme parks and amusement parks, where it would be advantageous to have an easily operated, lightweight, and inexpensive camera that may be used to reliably capture images without fear of losing or damaging the camera, which could result in the loss of the captured images (e.g., see specification at page 3, lines 1-4). According to the claimed invention, the process of capturing and ordering prints is greatly simplified since the transmission of the image data directly results in an image being printed according to the

image data received by the base station and the printed images are then sorted according to the identification information of the camera that was used to capture the images (e.g., see specification at page 2, lines 3-18). Thus, the user merely takes pictures using the camera and then returns to the camera to the base station to pick up the prints captured by that camera. The conventional systems do not teach or suggest these features.

III. THE PRIOR ART REJECTIONS

Claims 1-5, 8-13, 16, 23-26, and 31-38 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Robinson, claims 6, 14, 17-19, 27 and 28 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Yamaguchi, claims 7, 15, and 30 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Yamaguchi, and further in view of Tsukahara, claims 20-22 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Yamaguchi as applied to claim 14, and further in view of Robinson, and claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Allen in view of Arai.

For at least the following reasons, Applicant respectfully traverses these rejections.

As mentioned above, in the personal interview, the Examiners agreed that adding the claim limitation of automatically printing without receiving a printing command instruction to independent claims 1, 9, and 32 would overcome the Allen reference as relied upon in the present claim rejections.

However, Applicant respectfully submits that the claimed combination of features clearly is not disclosed or suggested by the cited combinations of references, and therefore, such amendments are not necessary to overcome the cited combinations of references.

First, Applicant submits that it would not have been obvious to combine the references to arrive at the claimed invention, and therefore, the novel and unobvious combination of elements of the claimed invention would not have been obvious from the alleged combination of references.

Particularly, Applicant respectfully submits that the Examiner has not considered the invention as a whole for what it fairly teaches. Instead, the Office Action attempts to establish the obviousness of the claimed invention merely by identifying the individual elements of the claims and citing references to show the elements. That is, the stated grounds of rejection merely identify features, which are alleged to correspond to individual elements of the claims, in a series of somewhat related references.

However, Applicant notes that it is not enough merely to show that each of the individual elements of the claims are taught by the combination of references, or for that matter, even that the elements *could* be combined as alleged. Instead, the Examiner also must show that it would have been obvious to combine the references to arrive at the invention as a whole.

That is, the question is not merely whether the differences themselves between the claimed invention and the cited references would have been obvious, but whether the claimed invention as a whole would have been obvious from the cited references (e.g., see M.P.E.P. § 2141.02).

Accordingly, Applicant respectfully submits that none of the cited references, either alone or in combination, discloses or suggests that novel and unobvious combination of elements of the claimed invention, when considered as a whole.

For example, as mentioned above, the present invention is directed to a photo service system structured in an area, in which a digital camera transmits image data of images captured

by the digital camera and identification information for identifying with the digital camera to a base station, which receives the image data and the identification information transmitted from the digital camera. A photo service center then prints the images from the image data received by the base station and sorts the prints of the images according to the identification information received with the image data.

In the system according to the claimed invention, images can be easily and efficiently printed and sorted merely by transmitting the image data from the camera after each image is captured. That is, the user simply captures an image, reviews the image on a display on the camera, and if a print of the image is desired, merely transmits the image. Thus, the process of ordering prints is greatly simplified since the transmission of the image data directly results in an image being printed according to the image data received by the base station and sorted according to the identification information of the camera that was used to capture the images (e.g., see specification at page 2, lines 3-18).

Moreover, since the prints of the images are printed upon receipt of the image data and sorted according to the identification information for identifying with the digital camera that was used to capture the images, the printed images can be available for pick up by the user shortly after the image is captured (e.g., when the user returns the camera to the base station). Also, since the system is capable of identifying the area from which the image data was transmitted, the claimed photo system is capable of identifying on each of the prints the respective area where the image was captured by the camera (e.g., see specification at page 2, lines 18-21).

Moreover, in an exemplary embodiment of the photo system, each image captured by the camera replaces the previous image. Thus, the camera in the present invention does not require a storage medium, various shooting modes, or various operating switches. Instead, the digital

camera of the photo system only needs to capture an individual image, display the image, and transmit the image. As such, the camera in the claimed system is easy to operate, small in size, lightweight, and less costly to produce (e.g., see specification at page 2, lines 21-27).

Thus, the photo system of the claimed invention has clear advantages over conventional systems and is particularly suited for use in theme parks and amusement parks, where it would be advantageous to have an easily operated, lightweight, and inexpensive camera that may be used to reliably capture images without fear of losing or damaging the camera, which could result in the loss of the captured images (e.g., see specification at page 3, lines 1-4). According to the claimed invention, the process of capturing and ordering prints is greatly simplified since the transmission of the image data directly results in an image being printed according to the image data received by the base station and the printed images are then sorted according to the identification information of the camera that was used to capture the images (e.g., see specification at page 2, lines 3-18). Thus, the user merely takes pictures using the camera and then returns to the camera to the base station to pick up the prints captured by that camera.

In comparison, Applicant submits that Allen and Robinson, either alone or in combination, do not disclose or suggest the claimed combination of features when considered as a whole.

Second, turning to the language of the claims, Applicant submits that, even assuming *arguendo* that it would have been obvious to combined Allen and Robinson, the alleged combination of Allen and Robinson still would not disclose or suggest all of the features of the claimed invention.

For example, the Examiner alleges that Allen discloses a photo service system structure in an area, which includes a digital camera, a base station, and a photo service center (see Office Action at page 3).

Particularly, the Examiner alleges that the image fulfillment center 34, as shown in Figure 1 of Allen, prints the images according to the image data received by the base station (see Office Action at page 3). Applicant respectfully disagrees with the Examiner's position.

Applicant submits that Allen does not disclose or suggest printing the images according to the image data received by the base station, as claimed, but instead, specifically discloses printing the images according to the additional information that is transmitted along with the image data.

That is, contrary to the Examiner's position, the image fulfillment center 34 of Allen does not print the images "according to the image data", as claimed. Instead, Allen discloses printing the images according to the control signals or according to the image file header.

For example, Allen specifically discloses that:

[t]he image fulfillment server includes a transceiver for receiving the digital image file and control signals; a memory for storing the received digital image file; and a file manager for managing the digital image file in response to the control signals (e.g., see Allen at column 1, lines 48-53; emphasis added).

As another example, Allen specifically discloses that:

[a]t the fulfillment center, the transceiver 36 stores the digital images and the control signals and stores them temporarily in memory 38. The central processor 37 responds to the control signals to effect requested services related to the digital image (e.g., see column 4, lines 24-28; emphasis added).

Allen further discloses that:

At the fulfillment center 34, the central processing unit 37 reads the image file header 72, which includes the I.D. of the camera, command flags and the digital voice data; and effects the action indicated by the command flags that are set (e.g., see column 4, lines 55-59; emphasis added).

Thus, Applicant submits that the image fulfillment center 34 of Allen does not print the images “according to the image data”, as claimed, but instead, prints the images according to the control signals or according to the image file header.

In contrast to Allen, independent claim 1 recites, *inter alia*:

a digital camera which transmits image data of images captured by the digital camera and identification information for identifying with the digital camera;

a base station which receives the image data and the identification information transmitted from the digital camera; and

a photo service center which prints the images according to the image data received by the base station and sorts the prints of the images according to the identification information received with the image data.

In other words, the photo service center according to the claimed invention prints the images according to the image data received by the base station.

For at least these reasons, Applicant submits that Allen does not disclose or suggest at least these features for which it is relied upon by the Examiner.

Applicant also submits that Robinson does not disclose or suggest the features for which it is relied upon. Thus, even assuming *arguendo* that Allen discloses the features for which it is relied upon, the resulting combination of Allen and Robinson still would not arrive at the claimed invention.

For example, as set forth above, the claimed combination not only prints the images according to the image data received by the base station, but it also sorts the prints of the images according to the identification information of the camera that captured the images, as recited, for example, in independent claim 1.

Applicant submits that Robinson also does not disclose or suggest at least this feature, and therefore, clearly does not make up for the acknowledged deficiencies of Allen.

Instead, Robinson merely discloses:

a computer for analyzing the customer image order and organizing the plurality of images in a printing sequence defining at least one batch of images in a printing sequence defining at least one batch of images for placement on the media segment of a variable calculated length and for determining the variable calculated length taking in to (sic) consideration the number of images in the customer order, the maximum length of the platen, and the size of the images to be printed (e.g., see Robinson at column 2, lines 56-63).

That is, Robinson merely discloses sorting the prints in the same customer image order, not sorting the prints of the images according to the identification information of the digital camera used to capture the images, which is received with the image data.

On the contrary, Robinson discloses sorting the images of a customer order, for example, by size to determine a printing sequence (e.g., see Robinson at column 3, lines 4-11 and lines 32-37).

Moreover, Robinson discloses that the printer 18 prints the images on media so as to for individual prints, and then the post treatment processor 20 performs cutting, durability applications, drying, or back printing. Then the print sorter 22 sorts the prints for easy distribution back to a customer (e.g., see Robinson at column 4, lines 21-27).

Robinson does not, however, disclose, suggest, or even mention “a photo service center which prints the images according to the image data received by the base station and sorts the prints of the images according to the identification information received with the image data”, as recited in independent claim 1 (emphasis added). That is, Robinson clearly does not disclose or suggest sorting the prints of the images according to the identification information of the digital camera used to capture the images, which is received with the image data, as recited in independent claim 1.

To summarize, the photo system of the claimed invention has clear advantages over conventional systems and is particularly suited for use in theme parks and amusement parks, where it would be advantageous to have an easily operated, lightweight, and inexpensive camera that may be used to reliably capture images without fear of losing or damaging the camera, which could result in the loss of the captured images (e.g., see specification at page 3, lines 1-4).

According to the claimed invention, the process of capturing and ordering prints is greatly simplified since the transmission of the image data directly results in an image being printed according to the image data received by the base station and the printed images are then sorted according to the identification information of the camera that was used to capture the images (e.g., see specification at page 2, lines 3-18). Thus, the user merely takes pictures using the camera and then returns to the camera to the base station to pick up the prints captured by that camera.

For at least the foregoing reasons, Applicant submits that it would not have been obvious to combine Allen and Robinson to arrive at the claimed invention, when considered as a whole.

Moreover, even assuming *arguendo* that such a combination would have been obvious, Applicant submits that the resulting combination still would not arrive at the claimed invention, in as complete detail as recited in the claims.

Applicant submits that independent claims 9 and 32 also are patentable over Allen and Robinson, either alone or in combination, for somewhat similar reasons as those set forth above.

Applicant also submits that claims 2-5, 8, 10-13, 16, 23-26, 31, and 33-38 are patentable by virtue of their dependency from independent claims 1, 9, and 32, respectively, as well as for the additional features recited therein.

For example, claim 31 recites, *inter alia*, that “the at least one base station selectively receives the image data and the identification information based on a proximity of the at least one digital camera to the at least one base station” (emphasis added).

The Examiner alleges that Allen discloses these features by stating that “a sports photographer can transmit his digital images locally via wireless transmission to a local image fulfillment server at the stadium with instructions to make prints” (e.g., see Allen at column 1, lines 60-64).

Applicant submits that, while a “local” fulfillment center or base station may be in a proximity of the camera, the claim does not merely recite that the base station must be in the proximity of the camera, but instead, recites that the base station selectively receives the image data and the identification information based on a proximity of the at least one digital camera to the at least one base station.

In other words, in the claimed invention, the base station selectively receives the image data based on the proximity of the camera to the respective base station.

In comparison, Allen merely discloses that a photographer can transmit his digital images locally to a local image fulfillment server at the stadium, not that the fulfillment center selectively receives the image data based on a proximity of the digital camera to the fulfillment center. In other words, merely sending the image data to a “local” fulfillment center does not necessarily disclose selectively receiving the image data based on a proximity of the camera to the base station, as claimed.

On the other hand, claim 10 recites, *inter alia*, that “the photo service center identifies the prints of the images based on a location corresponding to the respective at least one base station that transmitted the image file” (emphasis added).

Similarly, claim 33 recites, *inter alia*, “identifying each of the prints of the images based on a location corresponding to each of the at least one base station that transmitted the image file” (emphasis added).

The Examiner erroneously alleges that Allen discloses this feature by “identifying the prints based on the location where (sic) they are to be sent” (see Office Action at page 6, last full paragraph; emphasis added).

Applicant submits, however, that merely disclosing *where* the prints are to be sent clearly does not disclose or suggest “identifying each of the prints of the images based on a location corresponding to each of the at least one base station that transmitted the image file”, as claimed.

For the foregoing reasons, Applicant submits that claims 10, 31, and 33 clearly are patentable over the alleged combination of references and the applied rejections.

With respect to the remaining rejections (i.e., claims 6, 14, 17-19, 27 and 28 over Allen and Yamaguchi, claims 7, 15, and 30 over Allen, Yamaguchi, and Tsukahara, claims 20-22 over Allen, Yamaguchi, and Robinson, and claim 29 over Allen and Arai), Applicant submits that

these claims are patentable over the cited references by virtue of their dependency from independent claims 1, 9, and 32, for the reasons set forth above.

Indeed, the Examiner does not rely on Robinson, Yamaguchi, Tsukahara, or Arai for the teaching of the claimed combination of “a photo service center which prints the images according to the image data received by the base station and sorts the prints of the images according to the identification information received with the image data”, as recited, for example, in independent claim 1 (emphasis added).

For the foregoing reasons, Applicant submits that the claimed invention would not have been obvious from the cited references, either alone or in combination, and even if combined, such a combination would not disclose or suggest all of the elements of the claimed invention.

Therefore, the Examiner respectfully is requested to withdraw these rejections and permit claims 1-38 to pass to immediate allowance.

IV. NEW CLAIMS

New claims 39-44 are added to provide more varied protection for the present invention as disclosed in the original specification and drawings. No new subject matter is added.

Applicant respectfully submits that claims 39-44 are patentable over any combination of the cited references for somewhat similar reasons as those set forth above with respect to independent claims 1, 9, and 32, as well as for the additional features recited therein.

Thus, the Examiner respectfully is requested to permit claims 39-44 to pass to immediate allowance.

V. FORMAL MATTERS AND CONCLUSION

The Office Action objects to claim 22 because of informalities. Claim 22 is amended to obviate this objection, and therefore, the Examiner respectfully is requested to withdraw this objection.

Figure 8 is amended to correct a minor spelling error. The Examiner respectfully is requested to acknowledge receipt of and accept the replacements sheet for Figure 8.

In view of the foregoing, Applicant submits that claims 1-44, all the claims presently pending in the application, are patentably distinct over the prior art of record and are in condition for allowance. The Examiner is respectfully requested to pass the above application to issue at the earliest possible time.

Should the Examiner find the application to be other than in condition for allowance, the Examiner is requested to contact the undersigned at the local telephone number listed below to discuss any other changes deemed necessary in a telephonic or personal interview.


Serial No. 09/753,576
Docket No. FJ-2000-037US
(MAS.004)

29

The Commissioner is hereby authorized to charge any deficiency in fees or to credit any overpayment in fees to Attorney's Deposit Account No. 50-0481.

Respectfully Submitted,

Date: August 31, 2004



John J. Dresch, Esq.
Registration No. 46,672

Sean M. McGinn, Esq.
Registration No. 34,386

McGinn & Gibb, PLLC
8321 Old Courthouse Road, Suite 200
Vienna, VA 22182-3817
(703) 761-4100
Customer No. 21254